

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

XING WU PAN,
a/k/a "Oliver Pan," and

JIA HOU,
a/k/a/ "Jenny Hou,"

Defendants.

NOTICE OF MOTION
S1 12 Cr. 153 (RJS)

PLEASE TAKE NOTICE that, upon the annexed Affidavit of Oliver Pan, sworn to on September 7, 2012; the Declaration of Irwin Rochman, Esq., executed September 10, 2012 and the Exhibits annexed thereto; the accompanying Memorandum of Law in support of this motion; and all proceedings hitherto had herein, defendant Oliver Pan will move this Court before the Honorable Richard J. Sullivan, United States District Judge, at the United States Courthouse for the Southern District of New York, located at 500 Pearl Street, New York, N.Y. 10007, in Courtroom 21C, on the 9th day November, 2012, at 2 p.m., for an Order dismissing the Superseding Indictment against defendant Oliver Pan pursuant to Rule 12 of the Federal Rules of Criminal Procedure, based upon the grounds that the outrageous and conscience shocking conduct of the Government violated defendant Oliver Pan's Fifth Amendment right to due process under the law; and any further relief which to this Court appears just and proper.

Dated: New York, NY
September 10, 2012

Respectfully submitted,

TESSER, RYAN & ROCHMAN, LLP
Attorneys for Oliver Pan

BY: /s/
Gregory J. Ryan

Gregory J. Ryan (GJR 0718)
Irwin Rochman (IR 7573)

509 Madison Avenue
New York, NY 10022
(212) 754-9000
(212) 754-5907
gjryan@tesserryan.com

TO: PREET BHARARA, ESQ.
United States Attorney
Southern District of New York
One St. Andrews Plaza
New York, NY 10007
Attn: Brian Jacobs, Esq.
Justin Anderson, Esq.
Steve C. Lee, Esq.,
Assistant United States Attorneys